

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

THOMAS SNEED,)
)
Plaintiff,)
)
v.) CAUSE NO.: 1:07-CV-61-TS
)
DEPUTY TIMOTHY SCHULZ,)
FWPD SERGEANT JOHN BONAR,)
FWPD OFFICER C. HILL,)
FWPD OFFICER C. FAIRCHILD, and)
DEPUTIES/OFFICERS JOHN DOES,)
)
Defendants.)

OPINION AND ORDER

On April 21, 2008, this Court issued an Opinion and Order advising *pro se* Plaintiff Thomas Sneed that the Court considered dismissal of his claims for failure to prosecute to be appropriate action under the Rules and case law governing these proceedings. However, because the Court had not before explicitly warned the Plaintiff that failure to abide by the Court's orders would result in dismissal, the Court granted the Plaintiff ten days to inform the Court of his desire to proceed with this litigation. The Court warned that failure to file a notice of intent to prosecute by Thursday, May 1, 2008, would result in dismissal of his case with prejudice.

The Court's April 21 order was sent to the Plaintiff's address of record by certified mail. On May 14, the Court received notice that the certified mail was returned as undeliverable, with the envelope marked as "unclaimed." As stated in the Court's previous order, the Court cannot set a trial date because the Plaintiff has failed to appear for scheduling conferences. The Plaintiff's repeated failures to participate in scheduled hearings, including those necessary to advance this case to trial, prejudices the Defendants and disrupts the Court's calendar to the

prejudice of other litigants. It appears now that the Plaintiff may be unwilling even to accept mail from the Court. The Court dismisses the Plaintiff's Complaint under Federal Rules of Civil Procedure 41(b).

CONCLUSION

For the foregoing reasons and for those reasons set forth in this Court's April 21, 2008, order [DE 25], the Defendants' oral motion to dismiss the Plaintiff's Complaint is granted. The Complaint is dismissed pursuant to Federal Rule of Civil Procedure 41(b). The Clerk is directed to send a copy of this order to the Plaintiff by regular and certified mail.

SO ORDERED on June 2, 2008.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION